

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

HAROLD RIVERA-MIRANDA,

Defendant.

CRIMINAL 97-082 (SEC)

**MOTION TO CONTINUE FINAL REVOCATION HEARING SINE DIE**

TO THE HONORABLE SALVADOR E. CASELLAS  
SENIOR UNITED STATES DISTRICT JUDGE  
FOR THE DISTRICT OF PUERTO RICO

**COMES NOW**, defendant, Harold Rivera-Miranda, represented by the Federal Public Defender for the District of Puerto Rico through the undersigned attorney, and very respectfully states, alleges and prays as follows:

1. This Honorable Court has scheduled a final revocation of supervised release hearing for this Friday, September 21, 2007. (Docket No. 3393.)
2. Revocation of supervised release is sought pursuant to the motion filed by United States Probation Officer Victor Canino on December 28, 2006. (Docket No. 3351.)
3. Subsequent to said motion but prior to defendant's arrest in this case, a Grand Jury sitting in the District of Puerto Rico returned a single-count indictment against Mr. Rivera-Miranda charging him with carjacking in violation to 18 U.S.C. § 2119(1). (Criminal No. 07-265 (JAG), Docket No. 1.)

4. The carjacking case against Mr. Rivera-Medina has been subjected to procedural developments typical of any criminal prosecution, including plea negotiations.

5. It is respectfully submitted that the parties are very close to reaching an agreement that will dispose of the case by way of guilty plea.

6. Nevertheless, the undersigned attorney has realized that there has been no supplemental motion alleging that the defendant has engaged in new criminal conduct. It is understandable that the probation officer in this case has not filed such motion because there has been no conviction as of yet.

7. However, in the interest of justice and of judicial economy, it is respectfully submitted that the defendant should face one single revocation proceeding. In other words, it would be a waste of judicial resources to go through a revocation proceeding in which this Court would determine only the violations alleged in the December 28, 2006 motion, only to have to initiate another revocation proceeding upon conviction and sentence of the defendant in the new federal criminal case.

8. To conduct such duplicitous proceedings also creates the risk of inconsistent judgments. And forces the defendant to have to necessarily dispute the allegations so that he does not incriminate himself, whereas if convicted and sentenced, the defendant must admit the violation and the only remaining issue would be the sentence upon revocation.

9. In view of all of the above, it is respectfully requested that the final revocation hearing set for September 21, 2007 be vacated sine die until after defendant's carjacking prosecution has been resolved.

10. The undersigned attorney as well as the probation officer can be ordered to keep this Honorable Court posted regarding the resolution of defendant's new criminal case.

11. It is respectfully submitted that the present request for continuance is not made with any dilatory intent in mind and is in turn necessary for an adequate representation of the defendant.

**WHEREFORE**, it is respectfully requested that this Honorable Court take notice of the present motion to continue and that the same be granted.

**I HEREBY CERTIFY** that on this date I electronically filed the present memorandum with the Clerk of Court using the CM/ECF system which will sent electronic notification of said filing to all parties of record, including the United States Attorney's Office, District of Puerto Rico.

RESPECTFULLY SUBMITTED

In San Juan, Puerto Rico, this 17<sup>th</sup> day of September, 2007.

**JOSEPH C. LAWS, JR.**  
**Federal Public Defender**  
**District of Puerto Rico**

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